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REMARKS

In the Office Action dated February 23, 2005, claims 1-22 are pending. Claims 1, 15, and 19 are independent claims from which all other claims depend therefrom.

In paragraph 5, the Office Action states that the grille of Godwin (U.S. Patent No. 3,861,281) is adjustable and is adjustable such that it can be hidden. The Office Action refers to col. 4, lines 26-44, for such reliance. Applicants, respectfully, traverse. Applicants submit that although the grille 16 of Godwin is adjustable within a specific range, no matter the position of the grille 16 within that range, it can be seen by the occupant.

In col. 4, lines 26-44, Godwin states that the main frame 24 can be positioned between position 68 and position 70. Note that the main frame 24 protrudes outwardly from the surface 14 when it is in position 68, position 70, and any position therebetween. This can clearly be seen in Figures 1 and 3 of Godwin. Applicants submit that the mere mention of an adjustable grille does not teach or suggest a hidden feature, and especially not a hidden vent as claimed.

Applicants submit that the problem solved by the present invention was not contemplated, mentioned, or solved by Godwin. Specifically, Godwin does not speak to the need to provide vents that are hidden with respect to the line-of-sight of vehicle occupants and that occupy a reduced amount of cross-sectional surface area and internal space of a dashboard. The grille 16 of Godwin does not speak to or solve this problem, but rather is directed to the collapsing of a projecting housing in the event of a collision. The grille 16 protrudes outward from the dashboard 12 and occupies a considerable amount of space and covers a considerable amount of cross-sectional surface area of the dashboard 12, as can be seen in Figure 1.

In paragraph 6 of the Office Action, Godwin states that whether the grille 16 is hidden depends upon the physical height of the occupant and/or

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the position of the adjustable seat from the dashboard. Applicants submit that when an occupant is in a "normal seated position" that the height of the occupant and the position of the seat is irrelevant. In general, the line-of-sight angle with respect to the grille 16 of Godwin or to the vent or air outlet of the claimed invention is approximately the same or within a finite or small range for a short occupant as compared to that of a tall occupant. A short occupant generally positions the seat closer to the dashboard, thus, positioning the occupant's head closer to the dashboard. A tall occupant generally positions the seat farther away from the dashboard, thus, positioning the occupant's head farther from the dashboard. Since the taller occupant is farther from the dashboard, but yet has a head position that is higher in the vehicle, the viewing angle is approximately the same as it is for the shorter occupant with respect to the air outlet. For argument sake, in Godwin one may questionably assume, and therefore it is not clear, that if a tall occupant was to be positioned in the seat 18 and the seat 18 was adjusted up close to the steering wheel that the grille 16 when in position 70 would not be seen or clearly seen by the occupant. However, this seating arrangement is not normal and is it makes a bold assumption in view solely on the Figures of Godwin for such reliance. No teaching or suggestion of the like can be found in the specification of Godwin and thus one cannot rely on the specification for such an assumption.

Regardless of occupant height and seat position, the claimed invention requires that the vent be hidden. Independent claims 1 and 15 require that the vent or the air outlet reside between and be hidden, with respect to a line-of-sight of a vehicle occupant in a normal seated position, by overlapping sections of a vehicle housing when in a normal operating state. Independent claim 19 is similar in that it requires that an air outlet be hidden by overlapping housings of a dashboard. Notice that the vents of Figures 1 and 4 of the present application are clearly hidden and the occupant would need to be crouched or lying down in order to see them. The grille 16 of Godwin, as

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stated is clearly visible, and there is nothing suggested in Godwin for one to be able to assume otherwise.

Also, as stated in the previous Response, although the main frame 24 of Godwin when withdrawn has a front receding surface that is angled similar to the receding surface 14 of the dashboard 12, the inclusion of a receding surface in and of itself does not imply that the main frame 24 or any other object is hidden. Applicants submit that many dashboard components known in the art have receding surfaces, which are in the line-of-sight of a vehicle occupant. For example, the front surfaces of dashboard-mounted glove compartments are often receding, but yet viewable by a vehicle occupant. The receding surfaces are typically as such to provide additional interior cabin space and are not necessarily oriented to be hidden. It is not clear from Godwin the orientation or the angle of the receding surface 14 relative to the occupant.

Claims 15 and 18-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Godwin. Applicants traverse.

Applicants submit that Godwin fails to teach or suggest an air outlet that reside between and is hidden, with respect to a line-of-sight of a vehicle occupant in a normal seated position, by overlapping sections of a vehicle housing when in a normal operating state and an air outlet that is hidden by overlapping housings of a dashboard. Applicants have clearly shown that Godwin fails to suggest the stated limitations and no objective reasons have been put forth for Applicants to believe otherwise.

In order for a reference to anticipate a claim the reference must teach or suggest each and every element of that claim, see MPEP 2131 and *Verdegrad Bros. V. Union Oil Co. of California*, 814 F.2d 628. Thus, since each and every element of claims 15 and 19 are not taught or suggested by Godwin, Applicants submit that claims 15 and 19 are novel, nonobvious, and are in a condition for allowance. Also, since claim 18 depends from claim 15, it is also

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novel, nonobvious, and is in a condition for allowance for at least the same reasons.

Claims 1, 2, 4-15, and 17-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Godwin in view of Roan et al. (U.S. 5,673,964). Applicants traverse.

Roan discloses a center-mounted air handling system, which provides a floor duct assembly 16 that directs air along a floor of a vehicle.

Applicants have shown above and in the previous Response that Godwin fails to teach or suggest a vent that resides between and is hidden, with respect to a line-of-sight of a vehicle occupant in a normal seated position, by overlapping sections of a vehicle housing when in a normal operating state and an air outlet that is hidden by overlapping housings of a dashboard. Note that Roan also fails to disclose such limitations. Roan does not even disclose a dashboard.

The Office Action relies on Roan solely for the teaching of an air plenum for which the Office Action, in paragraph 4, states is not disclosed by Godwin. Note that this is in conflict with what is stated in paragraph 2 of the Office Action, in which it is stated that the bridging 28 corresponds to an air plenum. However, Applicants submit that it would not have been obvious to combine Roan with Godwin nor would the combination allow one to arrive at the present invention since both the references lack the above-stated limitations.

The Office Action states that it would have been obvious to provide the vehicle of Godwin with the air plenum of Roan in order to supply air to the floor. Applicants submit that Godwin allows for air to be directed downward without the floor duct assembly 16 of Roan, as admitted to in the Office Action. Thus, there is no need or desire to combine the floor duct assembly 16 of Roan with the grille 16 of Godwin. Furthermore, it is not clear how the floor duct assembly 16 of Roan would be combined with the grille 16 of

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Godwin. The floor duct assembly 16 is configured for mounting along a floor of a vehicle, whereas the grille 16 is configured for mounting on and protruding from a dashboard. Referring to MPEP 2143.01, the mere fact that references can be combined or modified does not render the resultant obvious unless the prior art also suggests the desirability thereof, *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). There is no motivation provided in Godwin for a floor mounted air plenum nor is there any motivation provided in Roan for a collapsible dashboard mounted grille.

The Office Action not only errs in defining the problem facing the present invention it also errs in terms of its solution. In mistakenly determining the problem to be to supply air to the floor area, the Office Action incorrectly presumes that the solution to the problem is to provide a floor mounted air plenum. "Defining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness." *Monarch Knitting Machinery v. Sulzer Morat GmbH*, 139 F.3d 877, 881 (Fed. Cir. 1998). Thus, although the Office Action purports to recognize the need to identify a suggestion or motivation to modify the prior art, it fails to do so and, indeed, succumbs to the allure of using the claimed invention as a template for modifying the prior art, *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577 (Fed. Cir. 1984) (It is impermissible to use the patent itself as the source of suggestion). The focus must remain on what the prior art suggested to one of skill in the art, as obviousness cannot be established by combining pieces of prior art absent some "teaching, suggestion, or incentive supporting the combination." *In re Geiger*, 815 F.2d 686, 688 (Fed. Cir. 1987). No valid reason has been set forth that one of ordinary skill in the art would modify the Godwin reference in view of Roan.

Moreover, none of the claims require the supply of air to a floor area. Although the claimed systems may be utilized to supply air to a floor area, they may be used to supply air to various other areas of a vehicle. For example, claim 14 requires that an air plenum direct air to a seat system.

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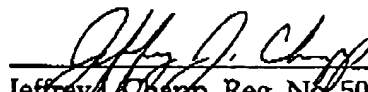
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Referring to MPEP 706.02(j) and 2143, to establish a *prima facie* case of obviousness the prior art reference(s) must teach or suggest all the claim limitations, see *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Thus, Applicant submits that Godwin and Roan fail to teach or suggest each and every limitation of claims 1, 15, and 19, therefore, claims 1, 15, and 19 are novel, nonobvious, and are in a condition for allowance. Also, since claims 2, 4-14, 17-18, and 20-22 depend from claims 1, 15, and 19, respectively, they are also novel, nonobvious, and are in a condition for allowance for at least the same reasons.

In light of the amendments and remarks, Applicants submit that all of the rejections are now overcome. The Applicants have added no new matter to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

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